

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Thomas Bryan O'Rourke,

Plaintiff,

v.

Nancy A. Berryhill, Acting Commissioner
of Social Security,

Defendant.

C/A No. 0:16-3610-PMD-PJG

ORDER

This social security action is before this court pursuant to 42 U.S.C § 405(g) for review of a final decision of the Acting Commissioner of the Social Security Administration ("Commissioner"). The plaintiff, who is represented by counsel, initiated this action and filed his Complaint on November 11, 2016. (ECF No. 1.) The Commissioner filed an answer along with a transcript of record on March 13, 2017. (ECF Nos. 5 & 6.)


The Local Rules of this District state that, after the filing of an answer, a plaintiff has thirty (30) days in which to file a written brief. Local Civil Rule 83.VII.04 (D.S.C.). The plaintiff moved for and was granted an extension of time in which to file his brief, extending the deadline until May 12, 2017. As of the date of this Order, the plaintiff has not filed a brief and has presented no argument as to why the decision by the Commissioner is not supported by substantial evidence. It therefore appears that the plaintiff does not wish to continue to prosecute this action. Accordingly,

IT IS ORDERED that the plaintiff shall have **seven (7) days** from the date of this order in which to file a brief. **Failure to do so may result in a recommendation that this case be**

dismissed for failure to prosecute. See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed.

R. Civ. P. 41(b).

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "Paige J. Gossett", with a horizontal line underneath.

Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

May 16, 2017
Columbia, South Carolina